

REMARKS/ARGUMENTS

The present amendment is being filed under a Certificate of Mailing as indicated. A Supplemental Information Disclosure Statement and a Terminal Disclaimer in compliance with 37 CFR 1.321(c) are being submitted herewith and are also being filed under a Certificate of Mailing.

Claim 2 was objected to because of informalities in that it was dependent on a rejected claim.

Claim 2 has been rewritten in independent form to overcome the objection to claim 2 in that it was dependent on a rejected claim.

The objection to claim 2 is thereby believed to be overcome.

The Applicant wishes to point out that the Office Action dated June 4, 2004 included a rejection under 35 U.S.C. 102(b) to claim 2 as being anticipated by US patent 4,865,608 to Brooker, Jr. The applicants believe that claim 2 of the present invention should be allowed over Brooker in that Brooker does not include "said surface features are positioned so that the first direction of said features are substantially normal to the medial periphery of the proximal portion of said body". The longitudinal grooves 30 in Brooker are not "substantially normal to the medial periphery of the proximal portion of said body". The longitudinal grooves 30 in Brooker run longitudinally with the medial periphery of the proximal portion of the body.

Claim 2 is thus not anticipated by U.S. Patent 4,865,608.

Claim 2 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over US patent No. 6,652,591.

Enclosed herewith is a Terminal Disclaimer in compliance with 37 CFR 1.321(c). The rejection to claim 2 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over US patent No. 6,652,591 is believed to be overcome. This Terminal Disclaimer includes the extent of the interest of the person signing this disclaimer has in the business entity.

The removal of the rejection to claim 2 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over US patent No. 6,652,591 is hereby respectfully requested and the allowance of claim 2 is respectfully requested.

Claims 9-12 were also rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over US patent No. 6,652,591.

Enclosed herewith is a Terminal Disclaimer in compliance with 37 CFR 1.321(c). The rejection to claims 9-12 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over US patent No. 6,652,591 is believed to be overcome. This Terminal Disclaimer includes the extent of the interest of the person signing this disclaimer has in the business entity.

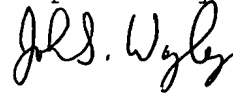
The removal of the rejection to claims 9-12 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over US patent No. 6,652,591 is hereby respectfully requested.

For the above-described reasons it is respectfully submitted that the rejections to the claims which have not been canceled, namely claims 2 and 9-12, have been overcome and that claims 2 and 9-12 are currently in condition for allowance. Early Notice of Allowance is respectfully requested.

Appl. No. 10/670,092
Amdt. Dated December 22, 2004
Reply to Office action of November 3, 2004

Please feel free to contact John Wagley at 574-372-7332 if
you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J.S. Wagley". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John S. Wagley
Attorney for Applicants
Reg. No. 36,043

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(574) 372-7332
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